

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

APR 03 2019

UNITED STATES OF AMERICA

BY
DEPUTY _____

v.

No. 9:19CR 20

JAMES VINCENT CHANEY

Clark/Giblin

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

Count One

Violation: 26 U.S.C. § 5861(d)
(Possession of an Unregistered
Destructive Device)

On or about February 27, 2019, in Polk County, Texas, in the Eastern District of Texas, **James Vincent Chaney**, defendant, knowingly received and possessed, and attempted to receive and possess, a destructive device, to wit, an incendiary device consisting of a pyrotechnic composition which contained barium nitrate, strontium carbonate, potassium perchlorate, sulfur, aluminum, magnalium and a pyrotechnic fuse, not registered to him in the National Firearms Registration and Transfer Record.

In violation of 26 U.S.C. § 5861(d).

Count Two

Violation: 18 U.S.C. § 922(g)(1)
(Possession of a Firearm by a Prohibited Person)

On or about the February 27, 2019, in the Eastern District of Texas, **James Vincent Chaney**, defendant, after having been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: Forgery, on November 29, 2007, in cause number 061212330, in the 9th Judicial District Court of Montgomery County, Texas, did knowingly and unlawfully possess in and affecting interstate commerce a firearm, to wit: one Kimber, Model 1911, .45 caliber pistol bearing serial number KU49952.

In violation of 18 U.S.C. § 922(g)(1).

NOTICE OF INTENTION TO SEEK CRIMINAL FORFEITURE

(18 U.S.C. § 924(d)(1), 28 U.S.C. § 2461, 26 U.S.C. § 5872 & 49 U.S.C. § 80303)

1. The allegations contained in Counts one and two of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 924(d)(1), Title 28, United States Code, Section 2461, Title 26, United States Code, Section 5872 and Title 49, United States Code, Section 80303.
2. Upon conviction for the offense in violation of Title 18, United States Code, Section 922(g)(1) set forth in Count two of this Indictment, the defendant, **James Vincent Chaney**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d)(1), Title 28, United States Code, Section 2461, Title 26, United States Code, Section 5872 and Title 49, United States Code, Section 80303, any

firearms and ammunition involved in the commission of the offense, including, but not limited to: one Kimber, Model 1911, .45 caliber pistol bearing serial number KU49952.

3. If any of the property described above, as a result of any act or omission of the defendant:
 - a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third party;
 - c. has been placed beyond the jurisdiction of the court;
 - d. has been substantially diminished in value; or
 - e. has been commingled with other property which cannot be divided without difficulty,

The United States of America shall be entitled to forfeiture of substitute property pursuant to Title 18, United States Code, Section 924(d)(1), Title 28, United States Code, Section 2461, Title 26, United States Code, Section 5872 and Title 49, United States Code, Section 80303.

All pursuant to 18 U.S.C. § 924(d)(1), 28 U.S.C. § 2461, 26 U.S.C. § 5872 & 49 U.S.C. § 80303.

A TRUE BILL

AF
GRAND JURY FOREPERSON

JOSEPH D. BROWN
UNITED STATES ATTORNEY

J.D.B.
TOMMY L. COLEMAN
SPECIAL ASSISTANT UNITED STATES ATTORNEY

4/3/2019
Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

UNITED STATES OF AMERICA

§

v.

§

No. 9:19CR 20

JAMES VINCENT CHANEY

§

NOTICE OF PENALTY

Count One

Violation: 26 U.S.C. § 5861(d) - Possession of an Unregistered Destructive Device

Penalty: Imprisonment of not more than ten (10) years, a fine not to exceed \$10,000; and a term of supervised release of not more than three (3) years.

Special Assessment: \$100.00

Count Two

Violation: 18 U.S.C. § 922(g)(1)

Penalty: Possession of a Firearm by a Prohibited Person

Imprisonment of not more than ten (10) years, a fine not to exceed \$250,000 or twice the pecuniary gain to the defendant or loss to the victim, or both imprisonment and a fine; and a term of supervised release of not more than three (3) years. If the Court determines that the defendant is an Armed Career Offender under 18 U.S.C. § 924(e), imprisonment of not less than 15 years and not more than life, a fine not to exceed \$250,000 or twice the pecuniary gain to the defendant or loss to the victim, or both; a term of supervised release of not more than five (5) years.

Special Assessment: \$100.00